

Michael Fuller, OSB No. 09357

Attorney for Plaintiff
Olsen Daines PC
US Bancorp Tower
111 SW 5th Ave., Suite 3150
Portland, Oregon 97204
michael@underdoglawyer.com
Direct 503-201-4570

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

Lisa Butts,

Case No. 6:16-cv-1986

Plaintiff,

COMPLAINT

v.

47 U.S.C. § 227(c)(5)

**Collecto, Inc. dba
EOS CCA,**

Demand for jury trial

Defendant.

May 14, 2014

Acct. # 3459289

Dear EOS CCA,

I recently sought legal advice from a debt relief attorney. I found out that I can advise you to stop calling me to attempt to collect this debt. So, I am asking you to stop calling me at all numbers you have on file. Instead, you may send me correspondence in the mail. You already have my current address and it is also listed as the return address on the envelope I am sending this notice in.

Thank you,


Lisa Butts

1.

JURISDICTION AND THE PARTIES

This Court has jurisdiction under 28 U.S.C. § 1331 because the Telephone Consumer Protection Act (TCPA) is a federal consumer protection law.

2.

Plaintiff Lisa Butts (Butts) is an individual consumer residing in Salem, Oregon.

3.

Defendant Collecto, Inc. dba EOS CCA (Collecto) is a Massachusetts corporation.

4.

Venue is proper under 28 U.S.C. § 1391 because Collecto made unwanted calls to Butts' cell phone while she resided in Oregon.

5.

This complaint's allegations are based on personal knowledge as to Butts' conduct and made on information and belief as to the acts of others.

6.

FACTUAL ALLEGATIONS

In August 2012, Collecto bought a portfolio of junk debts allegedly arising from old AT&T consumer accounts for pennies on the dollar.

7.

In December 2015, the Consumer Financial Protection Bureau entered a \$1,850,000 civil penalty judgment against Collecto based on Collecto's collection practices pertaining to its portfolio of junk AT&T debts. See *CFPB v. Collecto, Inc. d/b/a EOS CCA*, Case No. 1:15-cv-14024, Doc. # 4 (D. Mass. Dec. 8, 2015).

8.

Butts was one of thousands of consumers harassed by Collecto to pay a disputed AT&T debt she did not owe.

9.

In a letter dated May 14, 2014, Butts revoked consent to receive any future calls from Collecto.

10.

Beginning in or around May 2014 and continuing into June 2016, Collecto used an automatic telephone dialing system (ATDS) as that term is defined at 47 U.S.C. § 227, to harass Butts with multiple unwanted calls to her cell phone that served no legitimate purpose, that Collecto knew or should have known violated the TCPA, after Butts had revoked any prior consent to receive future calls from Collecto. See *In re Collecto, Inc.*, 999 F. Supp. 2d 1373 (J.P.M.L. 2014) (order consolidating various TCPA actions against Collecto).

11.

The phone numbers Collecto used to autodial Butts are consistent with the phone numbers associated with Collecto's collection letters.

EOS CCA
700 LONGWATER DRIVE
NORWELL, MA 02061

EOS CCA

Toll Free: 1-855-974-6090
Phone Number: 1-617-849-9759

Office Hours
Mon. - Thur.: 8:00 AM - 10:00 PM
Friday: 8:00 AM - 6:00 PM
Saturday: 8:00 AM - 12:00 PM

Lisa Butts
4893 Oak Park Dr Ne
Salem Or 97305-2933

RE:	CLIENT REFERENCE #	AGENCY ACCOUNT	ORIGINAL CREDITOR
US ASSET MANAGEMENT INC	298045980503	3459289	AT&T MOBILITY

PRINCIPAL	INTEREST	FEES/COLL. COSTS	OTHER ACCOUNTS	TOTAL DUE
\$577.94	\$0.00	\$104.03	\$0.00	\$681.97

Our client has authorized the following resolution to your balance as noted above: **\$170.49**

IF PAID BY 09/07/16

Settlement Offer
1 PAYMENT OF

If you are mailing your payment, please be sure to check off the settlement box on the coupon below and include with your payment. Please complete the reverse side of the coupon if you wish to pay your bill with your credit card by mail.

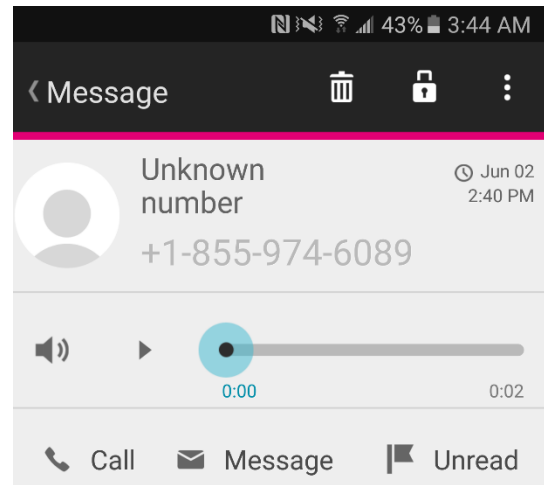
If you are interested in taking advantage of this settlement offer or want to discuss alternatives, please contact us at 1-855-974-6090.

This communication is from a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose.

July 21st, 2016 - Mark
2016
992-0465
Debra
3/21/16 7:20 PM

1-877-365-9900
eoscca.solveyourdebt.com

When prompted, please enter your account number and security code as provided below.
Please retain this information for future payments as another reminder letter will not be issued.
Account Number: 3459289



12.

Butts even registered on the national Do Not Call list but Collecto's autodialed calls continued.

National Do Not Call Registry - Your Registration Is Confirmed

Verify@DonotCall.gov

To: lisa_butts@yahoo.com

Oct 2 at 3:24 AM

Thank you for registering your phone number with the National Do Not Call Registry. You successfully registered your phone number ending in 8408 on July 23, 2015. Most telemarketers will be required to stop calling you 31 days from your registration date.

Visit <https://www.donotcall.gov> to register another number or file a complaint against someone violating the Registry.

Please do not reply to this message as it is from an unattended mailbox. Any replies to this email will not be responded to or forwarded. This service is used for outgoing emails only and cannot respond to inquiries.

13.

Collecto's calls to Butts were made automatically using a telephone dialing system that took a pause to transfer Butts to one of Collecto's call center agents who was available when Butts' voice came on the line. Many of Collecto's autodialed calls that Butts intentionally did not verbally answer went directly to voicemail. The volume and sequence of Collecto's calls over the time period alleged above is indicative of systematic dialing. Collecto's unwanted calls caused Butts significant annoyance, stress, and anxiety consistent with telephonic harassment.

14.

CAUSE OF ACTION

(47 U.S.C. § 227(c)(5))

Butts incorporates the allegations above by reference.

15.

Collecto willfully violated 47 U.S.C. § 227(b) as alleged in this complaint and Butts is entitled to maximum statutory damages and costs under 47 U.S.C. § 227(c)(5).

16.

Demand for jury trial.

17.

PRAYER FOR RELIEF

After a determination that Collecto's unwanted calls willfully violated the TCPA, Butts seeks relief as follows:

A. Order and Judgment in favor of Butts against Collecto for maximum statutory damages, and costs.

Butts also seeks any equitable relief this Court may determine is just and proper. As she learns more information, Butts reserves her right and may intend to bring claims, including class action allegations, against Collecto under the laws governing debt collection.

October 13, 2016

RESPECTFULLY FILED,

s/ Michael Fuller

Michael Fuller, OSB No. 09357

Attorney for Plaintiff

Olsen Daines PC

US Bancorp Tower

111 SW 5th Ave., Suite 3150

Portland, Oregon 97204

michael@underdoglawyer.com

Direct 503-201-4570